

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Cody Prudente, as Personal Representative)
of the Estate of John Prudente, Jr.,)
deceased,)

Civil No: 1:22-cv-00024

AFFIDAVIT OF PETER CZAPIEWSKI

Sandra Prudente, and)

John Prudente, Sr.,)

Plaintiffs,)

v.)

Mary Hamilton, individually and in her)
official capacity as a City of Mandan)
Police Officer,)

Joshua Scherr, individually and in his)
official capacity as a City of Mandan)
Police Officer,)

Dominic Hanson, individually and in his)
official capacity as a City of Mandan)
Police Officer,)

Peter Czapiewski, individually and in his)
official capacity as a Lieutenant of City of)
Mandan Police,)

David Raugust, individually and in his)
official capacity as a Sergeant of City of)
Mandan Police, and)

City of Mandan,)

Defendants.)

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

The undersigned, herein being duly sworn and deposed, states the following:

[1] My name is Peter Czapiewski, and I am a defendant in the above-entitled case. As such, I have personal knowledge of the information contained in this affidavit.

[2] At all relevant times, I was a police officer employed by the City of Mandan.

[3] On February 8, 2020, I overheard on the radio that Officer Mary Hamilton was initiating a traffic stop. Dispatch advised Officer Hamilton that Prudente had a warrant for his arrest. Officer Hamilton later radioed that the vehicle being operated by Prudente was fleeing but that they were not pursuing.

[4] I overheard that the vehicle was possibly headed home, so I began to head that way. On my way, I overheard that there was “fighting”, and I activated my lights. Sergeant Raugust, who was assisting Hamilton, radioed their location.

[5] Upon arrival at approximately 5:00 p.m., I heard yelling and observed taser cartridges on the ground. I observed Prudente on the ground screaming and kicking his legs. I was unable to understand what Prudente was saying. Sergeant Raugust was to Prudente’s left holding him down, Hamilton was towards his legs, and John Prudente Sr. was holding down Prudente’s right side. I instructed John Sr to get up and out of the way. I was struggling to get Prudente’s left arm behind his back and Officer Hamilton was able to get one cuff on.

[6] After Prudente was handcuffed, I placed Prudente in a recovery position (on his side). I observed blood around Prudente’s mouth and then called the ambulance. Prudente was still conscious and talking when the ambulance was called.

[7] Prudente’s parents were yelling that Prudente has mental health issues. Prudente eventually stopped moving and went limp and appeared to have passed out. I then checked for a pulse and did not find one. I instructed Officer Scherr to remove Prudente’s handcuffs and to begin CPR. I instructed Officer Hauck to get an automated external defibrillator (hereinafter “AED”).

[8] Once Prudente became unconscious, I asked the ambulance, who was already en route, to move expeditiously.

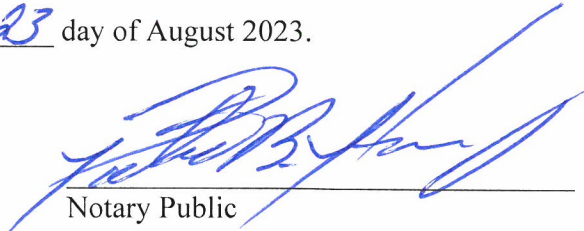
FURTHER AFFIANT SAYETH NOT.

Dated this 23rd day of August 2023.



Peter Czapiewski, Defendant

Subscribed and sworn before me this 23 day of August 2023.


Notary Public